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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
HUYNH, THU V	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,292	CICCHITELLI ET AL.	
	Examiner	Art Unit	
	Thu V Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) *14-18, 27, 32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,19-26,28-31,33 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE and amendment filed on 04/04/2005 to application filed on 02/20/2001 which has priority filed on 02/28/2000.

2. Claims 1-13, 19-26, 28-31, and 33-34 are amended.

3. Claims 1-34 are pending in the case. Claims 1-13, 19-26, 28-31, and 33-34 have elected for examination.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-13, 19-22, 25-26, 28, 30-31, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding dependent claims 1, 25, 30. These claims recite the limitation "receiving the one or more images, wherein the one or more images have associated information; automatically selecting ... based on the associated information received with one or more images" renders the claim is vague and indefinite, since the associated information has not received, only the one or more images have received.

Regarding dependent claims 4, 26, 31. These claims recite the limitation "receiving the one or more images, wherein the one or more images have associated meta-data; analyzing the meta-data received with one or more images ..." renders the claim is vague and indefinite, since the associated meta-data has not received, only the one or more images have received.

Regarding dependent claims 19, 28, 33. These claims recite the limitation "receiving the one or more texts, wherein the one or more texts have associated information; automatically selecting ... based on the associated information received with one or more images" renders the claim is vague and indefinite, since the associated information has not received, only the one or more texts have received.

Dependent claims 2-3, 5-13, 20-22 are rejected for fully incorporating the dependencies of their base.

Examiner assumed that the associated information/meta-data has received for examination this claimed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 19-22, 28 and 33 remain rejected under 35 U.S.C. 102(b) as being anticipated by**

Rosenberg, US 5,499,366 patented 03/1996.

Regarding independent claim 19, Rosenberg teaches the steps of:

- receiving the one or more texts, wherein the one or more text have associated information (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);

- automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more texts (Rosenberg, col.11, lines 39-57 and fig.4; suggested fonts is searched based on scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text); and
- setting the font of the one or more texts to one the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to headline, body, or footnote text in the page document).

Regarding dependent claim 20, which is dependent on claim 19. Rosenberg teaches wherein the one or more texts have predefined font attributes and said setting step includes replacing the predefined font attributes with the set font (Rosenberg, col.11, lines 39-57 and fig.4, Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if the user does not make selection on scales 401A-401C for request of suggested fonts; user selects a suggested font solution and activate apply button to apply selected font into the text of a page document).

Regarding dependent claim 21, which is dependent on claim 19. Rosenberg teaches wherein said automatic selection step includes selecting one font from the collection of fonts (Rosenberg, col.7, lines 1-10, lines 54-61; col.11, lines 47-56; and figure 4; searching fonts in database based on analyzed scale keywords 401A-401B); and said setting step includes automatically setting the font of the one or more texts to the automatically selected font (Rosenberg, col.7, lines 45-67; col.11, lines 39-57; and figure 4, one of suggested fonts is automatically applied to headline text in the page document, since the constraints "headline" is marked).

Regarding dependent claim 22, which is dependent on claim 19. Rosenberg wherein said setting step includes:

- manually selecting one of the automatically selected fonts by a user (Rosenberg, col.11, lines 39-57 and fig.4, "user selects a suggested font solution" to apply into text);
- setting the font of the one or more objects to the manually selected font (Rosenberg, col.11, lines 39-57 and fig.4, user selects a suggested font solution and activate apply button to apply selected font into text of a page document).

Claim 28 is for an apparatus performing the method of claim 19 and is rejected under the same rationale.

Claim 33 is for a computer program performing the method of claim 19 and is rejected under the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> (b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 1-13, 25-26, 30 and 31 remain rejected under 35 U.S.C. 103(a) as being**

unpatentable over Rosenberg, US 5,499,366 patented 03/1996 in view of Morag, US 6,324,545 B1, filed 10/1997.

Regarding independent claim 1, Rosenberg teaches the steps of:

- receiving the one or more texts, wherein the one or more text have associated information (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- automatically selecting one or more fonts from said collection of fonts, based on information provided with one or more text in output pages or documents (Rosenberg, abstract; col.11, lines 39-57; figure 4; suggested fonts is searched based on scale keywords 401A-401C and rejection constraints); and
- setting the font of the one or more captions to one the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the page document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information as explained above. Rosenberg discloses the document has one or more images (Rosenberg, col.7, lines 62-67). However, Rosenberg does not explicitly teach automatically selecting one or more fonts based on associated information with one or more *images*.

Morag teaches automatically selecting themes (styles for documents) based on information associated with one or more images, wherein the one or more images have associate information, such as label text which are attached to image(s) (Morag, col.1, line 64 – col.2, line 6; col.2, lines 41-50; and col.9, lines 10-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated such as headline text, footnote or label text, since label text is one kind of texts and both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45-53.

Regarding dependent claim 2, which is dependent on claim 1, Rosenberg and Morag teach the limitations of claim 1 as explained above. Refer to the rationale relied reject claim 1, the limitation of "wherein the one or more images comprises one image" is included. The rationale is incorporated herein.

Regarding dependent claim 3, which is dependent on claim 2, Rosenberg and Morag teach the limitations of claim 2 as explained above. Rosenberg teaches wherein said information may comprise one or more of the following: time of day, location information, user provided keywords; and color information (Rosenberg, fig.4 and col.11, lines 39-57, user selects scale keywords 401A-401C for searching fonts; Morag, col.1, line 64 – col.2, line 6, images are arranged based on color and/or time).

Regarding independent claim 4, Rosenberg teaches the steps of:

- receiving the one or more texts, wherein the one or more text have associated meta-data (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale

keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);

- analyzing the meta-data received with one or more text documents to determine a key feature amongst the meta-data (Rosenberg, col.9, line 58- col.10, line 35; and col.11, lines 39-54; analyzing scale value and rejection constraints to select the most appropriate suggested fonts); and
- searching a library of fonts, each font having a set of one or more associated key features (Rosenberg, col.7, lines 1-10, lines 54-61; and col.11, lines 47-56; searching fonts in database based on analyzed scale keyword and rejection constraints);
- automatically selecting one or more fonts from the font library having an associated key feature best matching the determined key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and rejection constraints to provide closed match fonts to the user);
- setting a font of the one or more captions to one of the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information. Rosenberg discloses the document includes image(s) (Rosenberg, col.7, lines 62-67). However, Rosenberg does not explicitly teach automatically selecting one or more fonts based on associated information with one or more *images*.

Morag teaches automatically selecting themes (styles for documents) based on information associated with one or more images, wherein the one or more images have associate information,

such as label text which are attached to image(s) (Morag, col.1, line 64 – col.2, line 6; col.2, lines 41-50; and col.9, lines 10-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated, such as headline text, footnote or label text, since label text is one kind of texts and both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45-53.

Regarding dependent claim 5, which is dependent on claim 4. Rosenberg teaches wherein the key feature comprises one of the following: (a) same date and time within a particular range; (b) same date and location; (c) same keyword matching; (d) same date and keyword; and (e) same color similarities (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user; Morag, col.1, line 64 – col.2, line 6, images are arranged based key feature such as color and/or time).

Regarding dependent claim 6, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in a predefined default font, prior to said analyzing step (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; and fig.4 Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if the user does not make

selection on scale keywords 401A-401C; Morag, col.7, lines 15-25; default parameter values are used if no instruction are provided).

Regarding dependent claim 7, which is dependent on claim 6, Rosenberg and Morag teach the limitations of claim 6 as explained above. Rosenberg teaches wherein said setting step includes:

- replacing the predefined default font with one of the selected one or more fonts (Rosenberg, col.11, lines 39-56, one of suggested fonts is applied to the text instead of default font);
- displaying the one or more captions associated with the one or more images in the replaced font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; col.11, lines 39-56; and figures 10A-10F, one of suggested fonts is applied to the text instead of default font on a page document which includes graphics).

Regarding dependent claim 8, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in one of selected on or more font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; col.11, lines 39-56 and figures 10A-10F, one of suggested fonts is applied to the text of a page document which includes graphics).

Regarding dependent claim 9, which is dependent on claim 6, the combination of Rosenberg and Morag teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C and Morag, col.7, lines 15-25 teaches default parameter values are used

if no instruction are provided. These suggest that default font is used for text captions if information used to select fonts is not provide or unable to find.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Morag and Rosenberg's teaching to provide a default font if meta-data associated with on or more images is not found, since if there is no suggested fonts are found based on metadata associated with one or more image, a default font is used.

Regarding dependent claim 10, which is dependent on claim 6, the combination of Rosenberg and Morag teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C and solutions that do not satisfy rejection constraints are eliminated (Rosenberg, abstract). Morag, col.7, lines 15-25 teaches default parameter values are used if no instruction are provided. These suggest that default font is used for text captions if solutions that do not meet the search criteria or unable to find the best matching key feature.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Morag and Rosenberg's teaching to provide a default font if unable to find a best matching key feature, since if there is no suggested fonts are found based on the searching, a default font is used.

Regarding dependent claim 11, which is dependent on claim 4. Rosenberg teaches wherein the one or more images comprise a plurality of images (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics); and step analyzing step comprises analyzing meta-data associated with

the plurality of texts to find a most common key feature amongst the meta-data (Rosenberg, col.10, lines 1-37); and said selecting step comprises selecting one of fonts of the font library having an associate said key feature best matching the common key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user).

Morag teaches wherein the one or more images comprise a plurality of images (Morag, col.4, lines 1-24 and col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20) analyzing step comprises analyzing meta-data associated with the plurality of images to find a most common key feature amongst the meta-data (Morag, col.5, lines 14-15; col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20); selecting step comprises selecting one of themes of the themes library having an associate said key feature best matching the common key feature (Morag, col.2, lines 21-50 and col.13, lines 15-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated with one or more document, image documents, or images, since both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45-53.

Regarding dependent claim 12, which is dependent on claim 4. Rosenberg teaches wherein said automatic selection step includes selecting one said font of the font library having an associated said key feature best matching the said determined key feature (Rosenberg, col.7, lines 1-10, lines 54-61; col.11, lines 47-56; and figure 4; searching fonts in database based on analyzed

scale keywords 401A-401B) and said setting step automatically sets a font of the one or more captions to said selected font (Rosenberg, col.7, lines 45-67; col.11, lines 39-57; and figure 4, one of suggested fonts is automatically applied to headline text in the page document, since the constraints "headline" is marked).

Regarding dependent claim 13, which is dependent on claim 4. Rosenberg teaches wherein said setting step includes:

- manually selecting one of the automatically selected fonts by a user (Rosenberg, col.11, lines 39-57 and fig.4, "user selects a suggested font solution" to apply into text); and
- setting the font of the one or more captions to the manually selected font (Rosenberg, col.11, lines 39-57 and fig.4, user selects a suggested font solution and activate apply button to apply selected font into text of a page document).

Claims 25 and 26 are for an apparatus performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

Claims 30 and 31 are for a computer program performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

10. **Claims 23, 29 and 34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg, US 5,499,366 patented 03/1996 in view of Maddalozzo, Jr. et al., US 5,787,254, patented 07/1998.**

Regarding independent claim 23, Rosenberg teaches the steps of:

- locating one or more texts, wherein the one or more texts have associated information (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale

keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);

- automatically selecting one font from the collection of fonts, based on the associated information of the one or more texts (Rosenberg, col.11, lines 39-57 and fig.4; suggested fonts is searched based on scale keywords 401A-401C associated with headline, body, or footnote text in a page document); and
- replacing the initial font of the one or more texts to one the selected font (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to headline, body, or footnote text in the page document).

Rosenberg does not explicitly disclose the texts are hyperlink texts. However, Rosenberg teaches fonts are automatically selected based on characteristics associated with several kinds of text, such as headline, body, and footnote text.

Maddalozzo teaches changing initial font of hypertext links that indicate a latency attribute characteristic (Maddalozzo, col.10, lines 50-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Maddalozzo and Rosenberg to automatically selecting one or more fonts from said collections of fonts, based on information associated with one or more hyperlink texts, since it would have provided suggested fonts for also latency hyperlink texts which are one kind of texts.

Claim 29 is for an apparatus performing the method of claim 23 and is rejected under the same rationale.

Claim 34 is for a computer program performing the method of claim 23 and is rejected under the same rationale.

11. **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg view of Maddalozzo as applied to claim 23 above, and further in view of Morag, US 6,324,545 B1, filed 10/1997.**

Regarding dependent claim 24, which is dependent on claim 23, Rosenberg and Maddalozzo teaches the limitations of claim 23 as explained above. Rosenberg does not explicitly teach wherein said information comprises the type and content of the hyperlink texts. However, Rosenberg teaches information comprise the type of the texts (Rosenberg, fig.4, "informal", "formal", etc. and "headline", "body", ect.).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Rosenberg teaching to include information comprises the type of the hyperlink texts, since fonts are selected based on the hyperlink texts' characteristics.

However, Rosenberg does not explicitly disclose that information comprise the content of the texts.

Morag teaches analyzing content, weight, color, time, etc. of one or more images to automatically selecting themes for a page document (Morag, col.1, line 64 – col.2, line 6; col.2, lines 41-50; and col.9, lines 10-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Morag's teaching into Rosenberg and Maddalozzo's teaching to provide fonts based on content of the hyperlink texts, since content is one of information is analyzed besides other information such as type to automatically select suggested fonts providing to the user.

12. **Claims 1-10, 12-13, 25-26, 30 and 31 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Rosenberg, US 5,499,366 patented 03/1996 in view of Balogh et al., US 5,493,677, filed 06/1994.

Regarding independent claim 1, Rosenberg teaches the steps of:

- receiving the one or more texts, wherein the one or more text have associated information (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- automatically selecting one or more fonts from the collection of fonts, based on associated information received with one or more text in output pages or documents (Rosenberg, abstract; col.11, lines 39-57; figure 4; suggested fonts is searched based on scale keywords 401A-401C and rejection constraints); and
- setting the font of the one or more captions to one the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the page document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information. However, Rosenberg does not explicitly disclose automatically selecting one or more fonts based on associated information received with one or more *images*.

Balogh teaches one or more images have associated information, such as caption text, is displayed for the user (Balogh, figures 2, box 250 and 260; figures 14 and 16; col.17, lines 16-19,45-48).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Balogh into Rosenberg to provide vary associated information (rejection constraints), such as Balogh's caption text besides Rosenberg's headline text, or footnote

text for the document, since caption text is one kind of texts and the combination would have provided suggested fonts, which are searched based different types of text in the document as Rosenberg disclosed that a document includes text, graphics, etc. (Rosenberg, col.7, lines 62-67), the rejection constraints are able to be other factors (Rosenberg, col.9, lines 29-31) and Rosenberg's invention is "used in other design contexts or in any applications" (Rosenberg, col.7, lines 45-53).

Regarding dependent claim 2, which is dependent on claim 1. Refer to the rationale relied reject claim 1, the limitation of "wherein the one or more images comprises one image" is included. The rationale is incorporated herein.

Regarding dependent claim 3, which is dependent on claim 2. Rosenberg teaches wherein said information may comprise one or more of the following: time of day, location information, user provided keywords; and color information (Rosenberg, fig.4 and col.11, lines 39-57, user selects scale keywords 401A-401C for searching fonts).

Regarding independent claim 4, Rosenberg teaches the steps of:

- receiving the one or more texts, wherein the one or more text have associated meta-data (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- analyzing meta-data received with one or more text documents to determine a key feature amongst the meta-data (Rosenberg, col.9, line 58- col.10, line 35; and col.11, lines 39-54;

analyzing scale value and rejection constraints to select the most appropriate suggested fonts); and

- searching a library of fonts, each font having a set of one or more associated key features (Rosenberg, col.7, lines 1-10, lines 54-61; and col.11, lines 47-56; searching fonts in database based on analyzed scale keyword and rejection constraints);
- automatically selecting one or more fonts from the font library having an associated key feature best matching determined key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and rejection constraints to provide closed match fonts to the user);
- setting a font of the one or more captions to one of the selected one or more font (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information. However, Rosenberg does not explicitly disclose automatically selecting one or more fonts based on associated information received with one or more *images*.

Balogh teaches one or more image documents have associated information, such as caption text, is displayed for the user (Balogh, figures 2, box 250 and 260; figures 14 and 16; col.17, lines 16-19,45-48).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Balogh into Rosenberg to provide vary associated information (rejection constraints), such as Balogh's caption text besides Rosenberg's headline text, or footnote text for documents, image documents or images, since caption text is one kind of texts and the combination would have provided suggested fonts, which are searched based different types of text

of documents, image documents, or images, as Rosenberg disclosed that the rejection constraints are able to be other factors (Rosenberg, col.9, lines 29-31) and Rosenberg's invention is "used in other design contexts or in any applications" (Rosenberg, col.7, lines 45-53).

Regarding dependent claim 5, which is dependent on claim 4. Rosenberg teaches wherein the key feature comprises one of the following: (a) same date and time within a particular range; (b) same date and location; (c) same keyword matching; (d) same date and keyword; and (e) same color similarities (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user).

Regarding dependent claim 6, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in a predefined default font, prior to said analyzing step (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; and fig.4 Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if the user does not make selection on scale keywords 401A-401C).

Regarding dependent claim 7, which is dependent on claim 6. Rosenberg teaches wherein said setting step includes:

- replacing the predefined default font with one of the selected one or more fonts (Rosenberg, col.11, lines 39-56, one of suggested fonts is applied to the text instead of default font);
- displaying the one or more captions associated with the one or more images in the replaced font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics;

col.11, lines 39-56; and figures 10A-10F, one of suggested fonts is applied to the text instead of default font on a page document which includes graphics).

Regarding dependent claim 8, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in one of selected on or more font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; col.11, lines 39-56 and figures 10A-10F, one of suggested fonts is applied to the text of a page document which includes graphics).

Regarding dependent claim 9, which is dependent on claim 6, the combination of Rosenberg and Balogh teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" (Rosenberg, fig.4) as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C. This suggests that default font is used for text captions if the information associated with the text or image documents used to select fonts is not provide or unable to find.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Rosenberg's teaching to provide a default font if meta-data associated with on or more images or texts is not found, since if there is no suggested fonts are found based on metadata associated with one or more image or text, a default font is used.

Regarding dependent claim 10, which is dependent on claim 6, the combination of Rosenberg and Balogh teaches providing suggested fonts based on metadata associated with one or

more images as explained above. Rosenberg teaches graphic user interface includes "default font" (Rosenberg, fig.4) as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C and solutions that do not satisfy rejection constraints are eliminated (Rosenberg, abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Rosenberg's teaching to provide a default font if unable to find a best matching key feature, since if there is no suggested fonts are found based on the searching, a default font is used.

Regarding dependent claim 12, which is dependent on claim 4. Rosenberg teaches wherein said automatic selection step includes selecting one font from the font library having an associated key feature best matching the said determined key feature (Rosenberg, col.7, lines 1-10, lines 54-61; col.11, lines 47-56; and figure 4; searching fonts in database based on analyzed scale keywords 401A-401B) and said setting step automatically sets a font of the one or more captions to the selected font (Rosenberg, col.7, lines 45-67; col.11, lines 39-57; and figure 4, one of suggested fonts is automatically applied to headline text in the page document, since the constraints "headline" is marked).

Regarding dependent claim 13, which is dependent on claim 4. Rosenberg teaches wherein said setting step includes:

- manually selecting one of the automatically selected fonts by a user (Rosenberg, col.11, lines 39-57 and fig.4, "user selects a suggested font solution" to apply into text); and

- setting the font of the one or more captions to the manually selected font (Rosenberg, col.11, lines 39-57 and fig.4, user selects a suggested font solution and activate apply button to apply selected font into text of a page document).

Claims 25 and 26 are for an apparatus performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

Claims 30 and 31 are for a computer program performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

13. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg in view of Balogh as applied to claim 4 above, and further in view of Morag, US 6,324,545 B1, filed 10/1997.**

Regarding dependent claim 11, which is dependent on claim 4. Rosenberg teaches wherein the one or more images comprise a plurality of images (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics); and step analyzing step includes analyzing meta-data associated with the plurality of texts to find a most common key feature amongst the meta-data (Rosenberg, col.10, lines 1-37); and said automatic selection step includes selecting one of fonts of the font library having an associate said key feature best matching the common key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user).

Morag teaches wherein the one or more images comprise a plurality of images (Morag, col.4, lines 1-24 and col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20) analyzing step comprises analyzing meta-data associated with the plurality of images to find a most common key feature amongst the meta-data (Morag, col.5, lines 14-15; col.7, lines 25 – col.8, lines 25 and col.13, lines 15-

20); selecting step comprises selecting one of themes of the themes library having an associate said key feature best matching the common key feature (Morag, col.2, lines 21-50 and col.13, lines 15-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated with one or more document, image documents, or images, since both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45.

Response to Arguments

14. Applicant's arguments filed 04/04/05 have been fully considered but they are not persuasive.

Applicants argue with respect to claims 19, 28 and 33 that, "the expert system of Rosenberg depends on inputs provided by a user, and not on information associated with the text to which the selected font is applied" and "the decisions regarding to fonts and layouts in Rosenberg are made without reference to the text to which the fonts are to be applied".

This is not persuasive. Rosenberg teaches suggested fonts are searched for use in one or more text based on information associated with said one or more text, such as headline, body, or footnote text (Rosenberg, col.11, lines 39-57 and fig.4). As applicants admit that in Rosenberg system, "a user selects an advisor module step (702) and input various criteria (step 704 and 705)". The user then activates the advise button (step 706), and the advisor module display sample objects or a list of object names". It is noted that step 705 is for "the user selects rejection constraints" (Rosenberg, col.6, lines 54-57), wherein the "rejection constraints describe the intended use for the selected fonts, such as headline, body of text and footnote" (Rosenberg, col.11, lines 44-46) and the

rejection constraints are used to eliminate from further consideration for a search (Rosenberg, col.2, lines 55-63). Therefore, the decisions regarding to fonts in Rosenberg are made with reference to the type of text to which the fonts are to be applied. Even though, the user inputs such information, however, such information is associated information with the text in the document, which is used to search and provide a list of font names that are potential solutions. Therefore, Rosenberg's teaching perfectly matches the claim limitation.

Applicants argue with respect to claims 1, 4, 25, 26, 30, 31 that "column 2, lines 41-43, of Morag states that the customer defines and/or selects a, theme for a photographic album. The automatic arrangements of the album are preferably carried out in view of the theme selected by the user" (emphasis by applicants).

Examiner agrees. This is another aspect of some embodiments of Morag's invention.

Applicants argue that, "nothing in Morag teaches or suggest receiving the one or more images, where the one or more images have associated information, and automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more images"

This is not persuasive. Morag teaches automatically arranging images and label text into an album, wherein the label text is associated information with the images. The combination of Morag and Rosenberg teaches automatically selecting fonts from the collection of fonts, based on the associated information received with the one or more images as explained in the rejection above. It is noted that the combination of Rosenberg and Balogh also teaches such claimed feature as explained in the rejection above.

Applicants further argue that "Applicants submit that nothing has been found in Rosenberg that would teach or suggest searching a library of fonts, each font having a set of one or more associated key features, and automatically selecting one or more fonts from the font library having an associated key feature best matching a determined key feature", without provide any reason.

This is not persuasive. In order to provide suggested fonts based on scale value and rejection constraints, a library of font must be used to select fonts that match the scale value and rejection constraints (Rosenberg, col.11, lines 39-57).

Applicants argue with respect to claims 23, 29 and 34 that "the expert system of Rossenberg depend solely on criteria selected by the user" and "Rosenberg fails to teach or suggest locating the one or more hyperlink texts, where the one or more hyperlink texts have associated information, and automatically selecting one font from the collection of fonts, based on the associated information received of the one or more hyperlink texts".

As discussed above in claims 1 and 19, semantic scales information, headline, body or footnote information is associated information used to search suggested fonts. Maddalozzo teaches changing font of hyperlinks texts with "a new font which stands out from the surround Web page text" to indicate the latency characteristic of the hyperlinks (Maddalozzo, col.10, lines 50-61). Rosenberg teaches automatically selected fronts from a collection of fonts, based on information associated with one or more text (Rosenberg, col.11, lines 39-57). Therefore, the combination of Rosenberg and Maddalozzo perfectly match to the claim language of claim 23.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Hui et al., US 6,237,010 B1, filed 1997, teaches multimedia application using flashpix file format.

Angiulo et al., US 6,275,829, filed 1997, teaches representing a graphic image on a web page with a thumbnail-sized image.

Swanson et al., US 5,987,459, filed 1997, teaches image and document management system.

Paknad et al., US 5,832,530, filed 1997, teaches method for identifying words described in a portable electronic document.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
May 9, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER